IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 20865 of 2004

Between:

B.Nageswara Rao, S/o Stephen, Sub-Treasury Officer,
Rajupalem, Guntur, Guntur District.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep. by its Principal Secretary,
Finance and Planning Department, Secretariat, Hyderabad.

2 The Director of Treasury and Accounts, Government of

Andhra Pradesh, Hyderabad.

3 The Regional Joint Director of Treasury and Accounts, Region-2,

Cuddapah, Cuddapah District.

4 The Deputy Director, District Treasury, Guntur, Guntur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an writ, order, direction more in the nature of Writ of Mandamus declaring the Memo No.

59187/322/A1/Admn.III/04 dated 24-8-2004 issued by the 1st respondent (not communicated to the Petitioner) and consequential Memo No. A3/6755/04-2 dated 4-9-2004 issued by the 2nd respondent as arbitrary, illegal, unconstitutional void and without jurisdiction violating Article 14, 16 and 16 (4) of the Constitution of India and also ultra vires to proviso 1 and 2 to Rule 24 (C) of the Andhra Pradesh State and Subordinate Service Rules and set aside the same including the orders of the Hon'ble Tribunal in O.A.No. 5408 of 2004 dated 5-10-2004 and issue consequential directions, directing the respondents to continue the petitioner as Sub Treasury Officer in pursuance of his promotion by Proceedings No. A2/2049/2003-2 dated 24-11-2003

Counsel for the Petitioner:MR.P.V.KRISHNAIAH

Counsel for the Respondent Nos. 1 to 4:

GP FOR FINANCE AND PLANNING

The Court made the following :

O R D E R

(Per Sri Justice J.CHELAMESWAR)

Learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to pursue the remedies before the 2nd respondent by way of responding to the show cause notice dated 04.09.2004.

Permission is accorded. Accordingly, the writ petition is dismissed as withdrawn. No costs.

JUSTICE J.CHELAMESWAR

JUSTICE GODA RAGHURAM

11th NOVEMBER, 2004

PGS

To

1 The Principal Secretary, Finance and Planning Department,

State of Andhra Pradesh, Secretariat, Hyderabad.

2 The Director of Treasury and Accounts, Government of

Andhra Pradesh, Hyderabad.

3 The Regional Joint Director of Treasury and Accounts, Region-2,

Cuddapah, Cuddapah District.

4 The Deputy Director, District Treasury, Guntur, Guntur district.

5 2 CCs to the Government Pleader for Finance & Planning, High

Court of A.P., Hyderabad (OUD).

6. 2 CD copies.